



February 22, 2005

HOUSE BILL No. 1038

DIGEST OF HB 1038 (Updated February 16, 2005 7:24 pm - DI 107)

Citations Affected: IC 9-30; IC 31-34.

Synopsis: Child abuse or neglect. Provides that a law enforcement agency shall report to a child in need of services intake officer if a person: (1) is arrested for violating certain operating while intoxicated statutes; and (2) is the parent, guardian, or custodian of a passenger who is under 18 years of age who was in the vehicle at the time of the arrest.

Effective: July 1, 2005.

Neese, Austin, Cheney, Hinkle

January 4, 2005, read first time and referred to Committee on Family, Children and Human Affairs.
February 21, 2005, amended, reported — Do Pass.

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HB 1038—LS 6009/DI 105+



February 22, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1038

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-5.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 5.5. A law enforcement agency shall report to an**
4 **intake officer under IC 31-34-7-1 that a child who is a passenger in**
5 **a motor vehicle may be a child in need of services if:**

6 (1) **a person is arrested for violating section 1, 2, 3, 4, or 5 of**
7 **this chapter;**

8 (2) **at the time of arrest, the person had a passenger in the**
9 **person's motor vehicle who was a child less than eighteen (18)**
10 **years of age; and**

11 (3) **the person who was arrested is the:**

12 (A) **parent;**

13 (B) **guardian; or**

14 (C) **custodian;**

15 **of the child described in subdivision (2).**

16 SECTION 2. IC 31-34-7-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person may

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1 give an intake officer written information indicating that a child is a
2 child in need of services. If the intake officer has reason to believe that
3 the child is a child in need of services, the intake officer shall make a
4 preliminary inquiry to determine whether the interests of the child
5 require further action. Whenever practicable, the preliminary inquiry
6 should include information on the child's background, current status,
7 and school performance.

8 **(b) A law enforcement agency shall report to an intake officer**
9 **under IC 9-30-5-5.5 that a child who is a passenger in a motor**
10 **vehicle may be a child in need of services if:**

11 (1) a person is arrested for violating IC 9-30-5-1 through
12 IC 9-30-5-5;

13 (2) at the time of arrest, the person had a passenger in the
14 person's motor vehicle who was a child less than eighteen (18)
15 years of age; and

16 (3) the person who was arrested is the:

17 (A) parent;

18 (B) guardian; or

19 (C) custodian;

20 of the child described in subdivision (2).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1038, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 9-30-5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.5. A law enforcement agency shall report to an intake officer under IC 31-34-7-1 that a child who is a passenger in a motor vehicle may be a child in need of services if:**

- (1) a person is arrested for violating section 1, 2, 3, 4, or 5 of this chapter;**
- (2) at the time of arrest, the person had a passenger in the person's motor vehicle who was a child less than eighteen (18) years of age; and**
- (3) the person who was arrested is the:**
 - (A) parent;**
 - (B) guardian; or**
 - (C) custodian;**

of the child described in subdivision (2).

SECTION 2. IC 31-34-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a)** A person may give an intake officer written information indicating that a child is a child in need of services. If the intake officer has reason to believe that the child is a child in need of services, the intake officer shall make a preliminary inquiry to determine whether the interests of the child require further action. Whenever practicable, the preliminary inquiry should include information on the child's background, current status, and school performance.

(b) A law enforcement agency shall report to an intake officer under IC 9-30-5-5.5 that a child who is a passenger in a motor vehicle may be a child in need of services if:

- (1) a person is arrested for violating IC 9-30-5-1 through IC 9-30-5-5;**
- (2) at the time of arrest, the person had a passenger in the person's motor vehicle who was a child less than eighteen (18) years of age; and**
- (3) the person who was arrested is the:**
 - (A) parent;**
 - (B) guardian; or**
 - (C) custodian;**



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of the child described in subdivision (2).".

Delete pages 2 through 3.

and when so amended that said bill do pass.

(Reference is to HB 1038 as introduced.)

BUDAK, Chair

Committee Vote: yeas 8, nays 0.

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